



# South Coast Air Quality Management District

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## ENVIRONMENTAL JUSTICE ADVISORY GROUP FRIDAY, APRIL 23, 2010 MEETING MINUTES

### MEMBERS PRESENT:

Dr. Joseph Lyou, AQMD Governing Board Member, EJAG Chairman  
Lawrence Beeson, Loma Linda University, School of Public Health  
Suzanne Bilodeau, Knott's Berry Farm  
Paul Choe, Korean Drycleaners & Laundry Association  
Afif El-Hasan, American Lung Association  
Alycia Enciso, Small Business Owner  
Mary Figueroa, Riverside Community College  
Maria Elena Kennedy, Quail Valley Task Force  
Evelyn Knight, Long Beach Economic Development Commission  
Angelo Logan, East Yard Communities for Environmental Justice  
Margaret Mapes, St. Joseph Center  
Daniel Morales, National Alliance for Human Rights  
William Nelson, OC Signature Properties  
Woodie Rucker-Hughes, NAACP – Riverside Branch

### MEMBERS ABSENT:

Rhetta Alexander, San Fernando Valley Interfaith Council  
Detrich Allen, City of Los Angeles Environmental Affairs  
Mimi Holt, SEIU Local 121 Registered Nurses  
Brenda LaMothe, S. Los Angeles Service Representative for L.A. Mayor  
Paul Ong, UCLA School of Public Affairs  
Salvador Ramirez, National Hispanic Environmental Council

### OTHERS PRESENT:

Greg Adams, LACSD  
Earl Elrod, Board Member Assistant (*Yates*)  
Sue Gornich, BP  
Nicole Nishimura, Board Member Assistant (*Lyou*)  
Edward Phillips, BNSF  
Sarah Weldon, AAR

### AQMD STAFF:

Alan Caldwell, Community Relations Manager  
Anupom Ganguli, Ph.D., Assistant Deputy Executive Officer/Public Advisor  
John Kampa, Financial Analyst  
Lori Langrell, Secretary  
Cheryl Marshall, Program Supervisor  
Susan Nakamura, Planning and Rules Manager

John Olvera, Principal Deputy District Counsel  
Donna Peterson, Financial Services Manager  
Rocio Santacruz, Sr. Public Information Specialist  
Cher Snyder, Sr. Enforcement Manager  
Nicole Soto, Secretary

**Agenda Item #1 - Call to Order/Opening Remarks**

Chair Dr. Joseph Lyou called the meeting to order at 12:04 p.m. Chair Lyou discussed the role of EJAG members, specifically their role in making recommendations to the Governing Board.

**Agenda Item #2 – Approval of January 29, 2010 Meeting Minutes**

Chair Lyou asked if there were any objections to the January 29, 2010 meeting minutes. Upon hearing no objections, the minutes were approved.

Mr. Alan Caldwell reviewed the action items from the January 29, 2010 meeting.

**Agenda Item #3 – Member Updates**

Chair Lyou asked for member updates and asked Dr. Anupom Ganguli to consider submitting Mr. Ong's request to build in measures to evaluate the success of past and future environmental justice policies into a recommendation for the Governing Board to consider.

***Action Item:*** *Consider turning Mr. Ong's email request into a recommendation for the Governing Board.*

Ms. Alycia Enciso informed members that Congressman Baca is interested in establishing an Air Quality Taskforce for the area and would like to know who could represent the AQMD. Chair Lyou asked Dr. Ganguli if they have been working with the Congressman's office. Dr. Ganguli indicated they have and asked Ms. Enciso for the contact information to forward to the Executive Officer.

***Action Item:*** *Get Congressman Baca's staff handling the Air Quality Taskforce contact information.*

Ms. Evelyn Knight informed members that advocacy groups in the Long Beach area have been working with Assemblymember Furutani and Senator Lowenthal to have a hearing on the proposed Intermodal Container Transfer Facility (ICTF). Chair Lyou asked Dr. Ganguli and Mr. Alan Caldwell to follow-up with Ms. Knight to ensure AQMD is part of the process.

***Action Item:*** *Follow-up with Ms. Knight regarding the proposed ICTF project in Long Beach.*

Ms. Elena Kennedy informed members about the newly-formed Quail Valley Taskforce, a non-profit to target the Environmental Protection Agency (EPA) environmental justice funding to bring a sanitary sewer system to the Quail Valley area of Riverside County.

Mr. Lawrence Beeson announced that the School of Public Health at Loma Linda University is developing a research project to look at asthma exacerbations in children around the 11 rail yards in Southern California. He indicated the project is not currently funded and they are developing the proposal.

#### **Agenda Item #4 – Clean Communities Plan**

Ms. Susan Nakamura presented the 2010 Draft Clean Communities Plan (CCP).

Dr. Ganguli requested that Ms. Nakamura explain indirect sources. Ms. Nakamura explained that indirect sources are sources that are indirectly associated with the operation of the business, such as truck traffic to and from a distribution center.

In response to Ms. Enciso's question regarding implementation timelines for the Community Exposure Reduction Plan Pilot Programs, Ms. Nakamura responded that the implementation schedule will be more fleshed out in the next version of the CCP, but in general, it depends on the complexity of the issues. She indicated that the overall goal is to have an action oriented plan. Additionally, she responded that there will be some issues that are not in AQMD's jurisdiction and we will have to work with other agencies. Chair Lyou asked what are the boundaries for the Boyle Heights Pilot Project. Ms. Nakamura responded that they have not drawn the boundaries. Ms. Woodie Rucker-Hughes asked if San Bernardino referred to the county or city. Ms. Nakamura responded it is the City of San Bernardino. The plan is to include other areas in the city and possibly portions of surrounding cities, not just the railroad areas.

Mr. Angelo Logan asked if the 'Greening Our Communities' measure included stationary and mobile sources. Ms. Nakamura confirmed both sources are included. Ms. Suzanne Bildoeau asked if the exposure reductions for existing sources will be greater than for new sources. Ms. Nakamura explained that the potential reduction is much greater for existing sources since the requirements for Best Available Control Technologies (BACT) are so stringent for new sources.

In regards to land use decisions and new sources, Mr. Logan noted that environmental justice communities are located in smaller areas where existing toxic facilities may already be located. Dr. Ganguli mentioned that new sources that are toxic have to comply with Rule 1401 and the requirements are so stringent that the impact would be less than the existing sources. Mr. Logan asked if the plan takes into consideration that a new source may be sited next to an existing source or located across from a school. Ms. Nakamura responded that there is a lot in the CCP that tries to address the siting and land use issues but is not clear on how much it will affect the permitting process. There are a number of AQMD rules that specify citing distances for new toxic emitting facilities. AQMD staff understands the concern for permitting new toxic emitting sources in already impacted areas. This is a difficult issue. AQMD staff will continue to look at other options and approaches for permitting to maximize protection of public health.

Ms. Enciso asked how the District communicates with other agencies. Ms. Nakamura indicated that outreach to local governments in their land use decisions and other outreach efforts are part of the CCP.

Mr. Afif El-Hasan asked what the definition of living near a freeway for the USC's Children's Health Study was. Ms. Nakamura replied that the study followed the children based on their proximity to the freeway and their daily living patterns and assumes it is a 70 year lifetime exposure. Chair Lyou mentioned that they found children who lived near freeways and moved away still had decreased lung function. Mr. El-Hasan asked if you get the same lung damage if you spend eight hours a day going to school near a freeway but live away from the freeway. Dr. Ganguli said he would check with Dr. Jean Ospital.

***Action Item:*** *Check with Jean Ospital regarding studies living near a freeway versus going to school or working near a freeway.*

Ms. Enciso asked if all cities have access to the Air Resources Board (ARB) Land Use Guidance Document. Chair Lyou responded they do but it was released many years ago. Dr. Ganguli stated that AQMD also has a guidance document which is available on the website.

Ms. Enciso asked when leaders sign the Clean Communities Pledge if there are incentives so they have reason to sign it. Chair Lyou pointed out that it's a positive way of promoting the CCP instead of focusing on bad decisions. Mr. Logan suggested establishing a local elected air quality institute, such as a two day workshop to learn the nexus between land use decisions and air quality, and how it impacts their constituents. Ms. Rucker-Hughes asked what we are asking for when the pledges are signed. Ms. Nakamura responded that when they sign the pledge she would like for them to be abiding by siting distances but felt this may be difficult due to jurisdictional issues. Ms. Rucker-Hughes suggested publicizing the leaders as they sign the pledge and so as outreach is done, the community can hold them accountable. Dr. Ganguli commented on the AB 2588 Hot Spots Toxics Program that informs communities about which facilities in the District have the highest toxic risk, and explained that by having meetings and making it publicly known, it has produced reductions without any rules or regulations in place. Mr. El-Hasan asked if a politician or city signs the pledge which says they understand the ramifications, if they are legally liable. Mr. John Olvera, AQMD's Principal District Deputy Counsel, explained that when they are acting in their function as public officials, they are typically immune from liability.

Mr. Logan asked if there is a nexus between the District's permitting program as it relates to proximity and the lead agency's land use decisions. Dr. Ganguli responded that there are quite a few rules that do not allow certain types of facilities to locate within 1,000 feet from a sensitive receptor or to meet very stringent emission requirements if they are within 1,000 feet. Ms. Enciso asked if they were permitted to build within the 1,000 feet, if there are other restrictions they have to meet. Chair Lyou responded it depends on the specific rule. Ms. Figueroa asked if there is a draft resolution that is available to help agencies design their plans as AQMD wants. Ms. Nakamura indicated there is not, since the plan has not been approved by the Governing Board.

Mr. Beeson asked if the "One-Click" Complaint system would include a drop down menu for type of complaint. Chair Lyou agreed it should be included along with a print function and issuance of a tracking number. Dr. Ganguli highlighted the iPhone Application which allows you to report complaints to the District. Mr. El-Hasan asked if there is enough staff to handle the phone calls. Dr. Ganguli indicated there is adequate staff. Ms. Cher Snyder added that the District handles about 6,000 – 7,000 phone calls per year. Mr. Logan mentioned it would be good to get a response on the resolution of the complaint. Ms. Nakamura pointed out it is discussed in the compliance measures as well as better follow-up and more transparency with the compliance program.

Ms. Enciso asked about how to get an immediate campaign for the CCP and how a meeting can be arranged with the planning department. Ms. Nakamura explained the CCP is still a draft so after the Governing Board approves it the outreach activities will begin. Dr. Ganguli added there is currently a series of public meetings and outreach for commenting on the document and after approval there will be a robust public outreach program.

Mr. Logan asked for a formal recommendation for the Board's consideration and requested that the District reconsider the cumulative impacts approach, look at the permitting process as a lever for making land use decisions, the role AQMD plays in the decisions, and to expand the pledge whereby City Councils make a commitment to develop policies for addressing land use issues. Chair Lyou asked if the

City Council made the pledge would it be creating a Brown Act problem for them. Mr. Olvera said it could be an issue but depends on the presentation of the pledge, whether it is done individually or as a whole. If it is a policy recommendation, it would need to be as a whole by the City Council. Chair Lyou asked if anyone disagreed with Mr. Logan's recommendations and after no objection he indicated he would see how to move the recommendations forward.

**Action Item:** *Determine how to move the two recommendations forward:*

- 1) Reconsider the cumulative impacts approach to look at the permitting process as a lever for making better land use decisions and enhance AQMD's role.*
- 2) Expand the pledge for the City Council and ask them to make a commitment to develop policies for addressing the issues associated with land use decisions. The public can then hold them accountable.*

**Agenda Item #5 – FY 2010-11 Draft Budget and Work Program (Formerly Agenda Item #6)**

Mr. John Kampa provided an update on the FY 2010-11 Draft Budget and Work Program.

Mr. Logan asked if there has been an analysis of the cost for reimbursement for committee members attending meetings. Mr. Kampa responded that it is. Ms. Donna Peterson added that some reductions were made to travel and expenditures but it was not in the area of Governing Board committees.

Mr. William Nelson asked how you take credit for 16 unfunded positions. Mr. Kampa replied that they basically do not have funding in the budget for them, but the positions give them the opportunity to fill positions if critically needed and revert funding from another position.

Mr. Daniel Morales asked what is included in the Services and Supplies Reduction. Ms. Peterson responded that it is mostly agency-wide contracts, special studies, utilities, debt service cost, and all other expenditures except equipment and staffing costs.

**Agenda Item #6 –Goods Movement (Formerly Agenda Item #5)**

Mr. Logan provided a presentation on Goods Movement and railyard issues. He indicated that there will be more information available next month as he continues to work on the issue with CARB. Chair Lyou requested that Mr. Logan be put on next meeting's Agenda for an update.

**Action Items:** *Agendize Mr. Logan for an update on Goods Movement and railyard issues.*

Chair Lyou asked Mr. Logan if the diesel particulate emissions chart was for the four yards. Mr. Logan clarified that it was only for the Commerce yard.

Chair Lyou asked Mr. Logan to explain preemption. Mr. Logan explained that federal preemption means the federal government has the authority to impose regulations on interstate commerce. Chair Lyou highlighted that this clause exists so that nothing gets in the way of the State's doing business with each other.

Dr. Ganguli asked if there is anything that is enforceable in what ARB is planning. Mr. Logan indicated that the recommendation from the staff is through an exchange of letters to negotiate the agreement. ARB sends a letter to Railroads and explains what they want to accomplish and implement. Once an agreement is negotiated the letter will go to the Board, which is happening this May. If the Board agrees,

they will sign the letters, the rail companies will release their plans, and ARB will continue to have meetings on determining the final plan.

Mr. Morales mentioned in Europe they have a lot of electrical trains and asked if it is something in the future for our region. Mr. Logan responded that there has been a lot of resistance because of the cost. He continued to say with new funding they can entice railroads to electrify. Dr. Ganguli noted that rail companies are not eager to spend money on any kind of controls, and that they have been talking with them the last six to eight years. He continued to say the rail companies have been arguing with the State because they do not want to spend money but argue that they want public money to benefit them. He said they have consistently maintained that the industry that makes over a billion dollars a year should spend some portion on electrifying some of their engines or retrofitting their equipment but the industry has refused. After a discussion by Mr. Edward Phillips regarding Burlington, Northern, Santa Fe's (BNSF) history in relation to electric trains, Dr. Ganguli asked if he could provide a written submittal, which Mr. Phillips agreed. Chair Lyou suggested members consider Mr. Phillips offer to give a presentation.

***Action Item:** Request a presentation and written submittal from Mr. Phillips regarding BNSF operations.*

#### **Agenda Item #7 – Other Recommendations**

Ms. Enciso asked if the Lawn Mower Exchange can be advertised to San Bernardino area gardeners. Dr. Ganguli informed her that you have to register on the website and to check the website to see if it is sold out.

#### **Agenda Item #8 – Public Comments**

No Comments.

#### **Agenda Item #9 - Adjournment**

The meeting adjourned at 3:02 p.m.